

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-05 H-01 INR-07

L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15

USIA-06 DHA-02 IO-13 /074 W

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R 210816Z JUL 77

FM AMEMBASSY WARSAW

TO SECSTATE WASHDC 9306

INFO AMEMBASSY BELGRADE

AMEMBASSY BERLIN

AMEMBASSY BUCHAREST

AMEMBASSY BUDAPEST

AMEMBASSY MOSCOW

AMCONSUL MUNICH

USMISSION NATO

AMEMBASSY PRAGUE

AMEMBASSY SOFIA

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EO 11652N/A

TAGS: PINR PINT PL

SUBJ: AMNESTY ANNOUNCED IN POLAND

REF: WARSAW 871

1. SUMMARY: ON JULY 19, THE COUNCIL OF STATE ANNOUNCED
A COMPREHENSIVE AMNESTY WHICH WILL GO INTO EFFECT
JULY 22. ACCORDING TO THE UNITED PRESS DESCRIPTION, THE AMNESTY
APPEARS TO ENABLE THE AUTHORITIES TO RELEASE TEN WORKERS' DEFENSE
COMMITTEE MEMBERS BEING HELD IN PROTECTIVE CUSTODY.
ONLY TWO OF THE FIVE WORKERS REMAINING IN JAIL FOR THEIR
PARTICIPATION IN THE JUNE, 1976, PRICE-RISE DISTURBANCES
HAVE ANY CHANCE TO BENEFIT FROM THE AMNESTY, HOWEVER.
END SUMMARY.

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2. AT A JULY 19 PRESS CONFERENCE, WITOLD ROZWENS, THE
CHIEF OF THE PROCURATOR GENERAL'S OFFICE, ANNOUNCED A
BROAD AMNESTY WHICH WILL AFFECT SOME 30,000 PERSONS.
THIS DECREE, THE EIGHTH AMNESTY IN POST-WAR POLISH HISTORY,
ESTABLISHES CONDITIONS OF RELEASE SIMILAR TO THE MOST
RECENT AMNESTY, THAT OF 1974. AT THAT TIME, 50,000 PRISONERS

WERE FREED.

3. THE COUNCIL'S DECREE SAYS THE AMNESTY IS THE FRUIT OF THE PRINCIPLES OF SOCIALIST HUMANISM, THE LASTING MORAL-POLITICAL UNITY OF THE POLISH PEOPLES' REPUBLIC, THE STEADY INCREASE IN SOCIAL DISCIPLINE, AND IMPROVED LAW ENFORCEMENT. ITS STATED PURPOSE IS TO BRING THOSE OFFENDERS BACK INTO SOCIETY WHO SEEK TO BE LAW-ABIDING IN THE FUTURE.

4. THE ANNOUNCEMENT DECLARES AN AMNESTY FOR EVERYONE SENTENCED TO UP TO ONE YEAR IN JAIL OR A 2,000-ZLOTY FINE. OF THOSE SENTENCED UP TO THREE YEARS, THE FOLLOWING ARE TO BE RELEASED:

A) WOMEN WHO CARE FOR A CHILD UNDER 18 YEARS OLD, WOMEN OVER 50, MEN OVER 60, YOUTHS UNDER 18 AT THE TIME OF THEIR CRIME, THE SOLE SUPPORTERS OF DISABLED PERSONS AND ANYONE OVER 70. MINORS SENTENCED FOR UP TO THREE YEARS MAY BE RELEASED AFTER COMPLETING ONE-THIRD OF THEIR TERMS. THE FOLLOWING GROUPS JAILED FOR 3-5 YEARS MAY ALSO BE RELEASED AFTER SERVING ONE-THIRD OF THEIR SENTENCES: WOMEN CARING FOR CHILDREN UP TO THREE YEARS OF AGE, WOMEN OVER 55, MEN OVER 65, AND THOSE SENTENCED FOR INVOLUNTARY CRIMES OTHER THAN MANSLAUGHTER. THE AMNESTY COVERS ALL CRIMES COMMITTED BEFORE JULY 15, 1977, AND INCLUDES THOSE UNSOLVED BY THE POLICE WHICH ARE INVOLUNTARILY DECLARED TO THE AUTHORITIES. THE DECREE SAYS LIMITED OFFICIAL USE

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THE AMNESTY DOES NOT AFFECT PEOPLE WHO COMMITTED SUCH SERIOUS CRIMES AS PREMEDITATED MURDER, WAR CRIMES, RAPE, OR ROBBERY, OR RECIDIVISTS.

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FM AMEMBASSY WARSAW
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5. ACCORDING TO AN EDITORIAL IN TRYBUNA LUDU OF JULY 20, THE COUNCIL OF STATE ALSO AUTHORIZED THE PROCURATOR GENERAL TO DISMISS IMPENDING CASES WHERE POTENTIAL SENTENCES RANGE UP TO TEN YEARS, IF CONDITIONS WARRANT. THE EDITORIAL CONTINUES THAT THE AMNESTY IS INTENDED FOR THOSE WHO INDICATE THAT THEY "TRULY DESIRE TO REJOIN SOCIETY." ADAM WYSOCKI, WRITING IN ZYCIE WARSZAWY, NAMES ADDITIONAL CLASSES OF CRIMES WHICH WILL NOT BE COVERED BY THE AMNESTY: ESPIONAGE, FISCAL CRIMES INVOLVING MORE THAN 100,000 ZLOTIES, SERIOUS CUSTOMS AND CURRENCY OFFENSES, BRIBERY, DRIVING WHILE INTOXICATED, ARSON, AND ACTS OF HOOLIGANISM COMMITTED BY ADULTS.

6. COMMENT: ONE OF THE MAIN EFFECTS OF THE AMNESTY IS THE CREATION OF A MECHANISM BY WHICH THE PROCURATOR LIMITED OFFICIAL USE

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GENERAL COULD DROP CHARGES AGAINST THE TEN WORKERS' DEFENSE COMMITTEE MEMBERS NOW IN PROTECTIVE CUSTODY. A POLITYKA JOURNALIST RECENTLY TOLD AN EMBASSY OFFICER THAT THE POLISH AUTHORITIES FACE A DILEMMA BECAUSE THE CLAUSE UNDER WHICH THE WDC MEMBERS ARE BEING HELD VIRTUALLY DICTATED PROSECUTION. HOWEVER, HE ADDED, THE AUTHORITIES DO NOT HAVE THE EVIDENCE THEY NEED TO WARRANT EITHER ARREST OR PROSECUTION. FURTHERMORE, THE PROSECUTOR GENERAL'S OFFICE IS ALREADY UNDER CRITICISM FOR THE LEGAL PROCEDURES USED IN HANDLING PARDONS EARLIER THIS YEAR (REF).

7. WE DOUBT THAT THE IMPRISONED MEMBERS OF THE WORKERS' DEFENSE COMMITTEE WILL TAKE ADVANTAGE OF THE OPPORTUNITY TO DROP THEIR ACTIVITIES AND "REJOIN SOCIETY." FROM A TACTICAL POINT OF VIEW, THE WDC WOULD PROBABLY WELCOME A TRIAL AS A MEANS OF KEEPING THEIR CAUSE ALIVE. FURTHERMORE, ROZWENS INDICATED AT HIS PRESS CONFERENCE THAT NONE OF THE FIVE WORKERS STILL

IN JAIL FOR THEIR PARTICIPATION IN THE JUNE, 1976, PRICE-
RISE RIOTS HAVE ANY CHANCE OF BEING RELEASED. ONLY TWO
OF THE FIVE WORKERS, MAREK MAJEWSKI AND ADAM ZUKOWSKI
FROM URSUS, STAND ANY CHANCE OF BENEFITING FROM THE
AMNESTY. HOWEVER, THEY HAVE BEEN CALLED BOTH HOOLIGANS
AND RECIDIVISTS IN THE PRESS AND THESE CHARGES COULD BE USED TO
JUSTIFY THEIR FURTHER DETENTION. THE WORKER'S DEFENSE
COMMITTEE, FOR ITS PARTY, REMAINS COMMITTED TO THE
RELEASE OF ALL FIVE. END COMMENT.
DAVIES

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